

February 1, 2022

**BY ECF – VIA FEDERAL DEFENDERS**

The Honorable Jesse M. Furman  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, NY 10007

**RE: United States v. Michael Avenatti  
19 Cr. 374 (JMF)**

Dear Judge Furman:

In response to the Court's request at the charge conference, defendant submits the following language for defendant's proposed jury instruction:

**Proposed Instruction**

California Rule 1.2 provides that a lawyer shall abide by a client's decisions concerning the objectives of the representation and shall reasonably consult with the client as to the means by which they are to be pursued. A lawyer may take such action on behalf of the client as is impliedly authorized to carry out the representation.

This means that a lawyer begins with broad authority to make choices advancing the clients objectives. That broad authority may be limited by an agreement between the lawyer and the client or by the client's instructions. In the absence of an agreement or instruction, however, a lawyer has the authority to take any lawful measure within the scope of representation that is reasonably calculated to advance a client's objectives as defined by the client.

Authority: Cal. Rule of Prof'l Conduct 1.2; Restatement of the Law (Third), The Law Governing Lawyers, §§21,22 (pp. 175, 181 of the American Law Institute edition); Williams v. Saunders, 1997) 55 Cal.App 4<sup>th</sup> 1158, 1163-64, 64 Cal. Rptr. 2d 571; Cal Code Civ. Proc., §664.6

Respectfully Submitted,

/s/

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Michael J. Avenatti  
Defendant